

II. Remarks

Reconsideration and allowance of the present application are respectfully requested.

Claims 1-22 currently stand in the present application. Claim 1 is independent.

In the outstanding Official Action, the Examiner rejected Claims 1-22 under 35 U.S.C. §103(a) as being purportedly unpatentable over either one of United States patent 5,985,457 [Clifford] or International Publication Number WO 00/48831 [Dion] and any of Japanese patent 11-151530, Japanese patent 11-347642 or United States patent 6,032,504 [Onat et al. (Onat)] “optionally further taken with” either one of Japanese patent 58-252216 or United States patent 5,152,047 [Kojimia et al. (Kojimia)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Clifford teaches a metal and paper composite sheet having improved stiffness – see column 1, lines 8-11. While Clifford teaches that the composite panel taught therein may be used as a stiff and lightweight substitute for thicker metal panels and identifies some typical uses of such prior art metal panels, at no point does Clifford teach the process defined in current Claim 1 of the present application. Further, Clifford does not teach other elements of the process recited in Claim 1. Specifically, Clifford does not teach a process for laminating and forming a composite part that involves the step of drawing inward the periphery of the composite stack (to be formed and laminated) from a first position to a second position by applying a uniform pressure to the stack with a die press. Nor does Clifford teach laminating and forming a

composite part in a single operation using a die press which, during the process, contacts substantially the entire surface of the stack.

Applicant submits that Dion is not citable under 35 U.S.C. §103(a). Specifically, the reference was published on August 21, 2000 whereas the present application is entitled to a filing date of April 20, 2001. Further, Dion is an International patent application which does not designate the United States. In the circumstances, Applicant submits that Dion is not citable under 35 U.S.C. §103(a).

The Examiner acknowledges that neither Clifford nor Dion (not citable) would of suggested to a person skilled in the art incorporation of a press to shape panels to form a vehicle body part wherein one employed a die press to press the assembly to make the panel. However, as stated in Applicant's amendment dated October 17, 2003, there are further steps in the present process which apparently have not been acknowledged by the Examiner. Specifically, the present process includes the express step of drawing inward the periphery of the stack (made up of a paper layer impregnated with resin interposed between a pair of sheet metal skins). From a first position to a second position by applying a uniform pressure to the stack with the die press. In otherwords, in the present process, the periphery of the stack is not clamped or otherwise secured so that it may be drawn inwardly as the composite part is formed or shaped. This feature of the present process obviates thinning of the stack which would otherwise occur if the periphery of the stack was clamped or secured during the process. By avoiding such thinning of the formed part, the present process obviates or mitigates the possibility of introduction of weak spots or varying structural properties in a single formed part.

Each of the secondary references relied on by the Examiner fails to recognize the importance of achieving indraw of the periphery of the composite stack as uniform pressure is applied to the stack with a die press.

Thus, Japanese patent 11-151530 illustrates die pressing of a part which culminates, in Figure 6 wherein there is no indraw of the part during application of pressure by the die press. In addition, this reference fails to teach or suggest a process in which a composite stack like the one defined in present Claim 1 is subjected to application of uniform pressure to produce a formed or shaped composite part.

Japanese patent 11-347642 uses a die press which includes a bead 67 and groove 67 which cooperate to lock the peripheral portion of the sheet being formed. In the result, as the planer sheet is formed, it will necessarily thin since it is locked at its peripheral portions. Accordingly, this reference actually teaches away from the process defined in present Claim 1. Further, the reference fails to teach or suggest the use of a composite stack as set out in Claim 1 which is subjected to the application of uniform pressure to form a shaped composite part.

Finally, Onat is similar to Japanese patent 11-347642 since it teaches the use of a bead 40 and a groove 38 to lock the peripheral portion of the sheet metal part being formed – see Figures 2-6 in combination with column 3, lines 60-64. Accordingly, Applicant submits that Onat teaches away from the process defined in present Claim 1. Further, Onat fails to teach or suggest the use a composite stack as set out in present Claim 1 to which is applied uniform pressure and a die press to form a shaped composite part.

The remaining prior art references relied on by the Examiner, when combined with the other references discussed above, do not teach or suggest the present process, as defined by current Claim 1.

The Examiner is requested to reconsider and withdraw the rejection of Claims 1-22 under 35 U.S.C. §103(a).

The Examiner raised a double patenting rejection of Claims 1-22 over Claims 1-23 of United States patent 6,419,774 in view of either one of Clifford or Dion. While Applicant does not concede the propriety of this rejection, Applicant submits herewith a terminal disclaimer that confirms that the term of patent issued in respect of the present application will not exceed the term of United States patent 6,419,774. The Examiner is requested to reconsider and withdraw the double patenting rejection.

In light of the above, reconsideration and allowance of the present application are respectfully requested.

Applicants' undersigned agent may be reached by telephone at (416) 862-5775.

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